

X. EXTENSION OF TIME IN UNUSUAL CIRCUMSTANCES



1. A response to any records request must be issued within 10 days after the request is received by the Department. In "unusual circumstances" the 10 day time limit in Government Code §6256 and 40 CFR §2.112 may be extended by written notice to the person making the request. The extension may only be made if "unusual circumstances" as defined below in paragraph 2 exist. The extension notice must set forth the reasons for the extension and the date on which a determination is expected to be sent by the Department. No notice of extension can specify a date that would result in an extension of more than ten working days. (Government Code §62561.1.)

The extension notice must be made by the head of the agency or his or her delegatee(s). The Department Director has delegated this authority to the PRCs; however, ONLY USE THIS AS A LAST RESORT. Records must be truly voluminous or extremely dispersed for such a request to be considered.

2. "Unusual circumstances" is defined as follows:
 - a. The need to search for and collect the requested records from field facilities or other places separate from the office processing the request.
 - b. The need to search for, collect, and examine a voluminous amount of separate and distinct records which are demanded in a single request.
 - c. The need for consultation, which shall be conducted as speedily as possible, with another agency having a substantial interest in the determination of the request, or among two or more components of the agency having substantial

subject matter interest in the records.
(Government Code §6256.1.)